



Entered on Docket  
August 07, 2009

A handwritten signature in black ink, appearing to read "R. Biegel".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**STIPULATION AND ORDER  
PROVIDING FOR THE WITHDRAWAL  
OF TWELVE HORSES OF NORTH  
AMERICA, LLC'S PROOF OF CLAIM  
AND THE OBJECTION THERETO AND  
VACATING HEARING**

Hearing Date: August 21, 2009

Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1           The USACM Liquidating Trust ("USACM Trust"), by and through its attorneys, the law  
 2 firm of Lewis And Roca LLP, and Twelve Horses North America, LLC ("THNA," and together  
 3 with the USACM Trust, the "Parties"), *pro se*, hereby stipulate and agree as follows:

4           THNA filed proof of claim no. 10725-01173 (the "THNA Claim") in the bankruptcy case  
 5 of USA Commercial Mortgage Company, case no. BK-S-10725-LBR.

6           The Objection Of USACM Liquidating Trust To Proof Of Claim Of Twelve Horses North  
 7 America [DE 7219] (the "Objection") was filed with the Court on July 9, 2009, and is scheduled  
 8 for hearing before this Court on August 21, 2009.

9           After receipt of the Objection, THNA and the USACM Trust conferred and have reached  
 10 the following resolution of the THNA Claim and the Objection.

12           NOW, THEREFORE, the USACM Trust and THNA hereby stipulate and agree as  
 13 follows:

14           1.       The THNA Claim is hereby withdrawn;  
 15           2.       The Objection is hereby withdrawn; and  
 16           3.       The hearing on the Objection scheduled for August 21, 2009 may be vacated.

18           Respectfully submitted July 20, 2009

19           LEWIS AND ROCA LLP

20  
 21           By: /s/ John Hinderaker  
 22           Rob Charles  
 23           John Hinderaker  
 24           3993 Howard Hughes Parkway, Suite 600  
 25           Las Vegas, Nevada 89169  
 26           Attorney for USACM Liquidating Trust  
 ...  
 ...

TWELVE HORSES NORTH AMERICA,  
 LLC

By: DAVID LaPLANTE  
 David LaPlante  
 Its: Manager



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**ORDER**

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3 **IT IS SO ORDERED.**

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5 PREPARED AND SUBMITTED

6 LEWIS AND ROCA LLP

7

8 By: /s/ John Hinderaker

9 Rob Charles

10 John Hinderaker

11 3993 Howard Hughes Parkway, Suite 600

12 Las Vegas, Nevada 89169

13 Attorney for USACM Liquidating Trust

14

15 APPROVED AS TO FORM:

16 TWELVE HORSES NORTH AMERICA, LLC

17

18 By: DAVID LaPLANTE

19 David LaPlante

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21 Its: Manager

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